

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**MICHAEL DUANE STRAIN,**

**Plaintiff,**

**v.**

**TALLAHATCHIE COUNTY  
CORRECTIONAL EMPLOYEES,**

**Defendants.**

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**Civil Action No.  
21-11374-FDS**

**ORDER**

**SAYLOR, C.J.**

On August 20, 2021, Michael Duane Strain, who is proceeding *pro se*, filed a document captioned as a “Criminal Complaint” concerning “unlawful detention of a foreign sovereign American man on the land.” Strain, who is confined at the Tallahatchie County Correctional Facility in Tutwiler, Mississippi, claims that ten of the employees of the facility are parties to kidnapping, false imprisonment, larceny, treason, and mail tampering.

A private citizen cannot initiate a federal criminal prosecution because that power is vested exclusively in the executive branch of government. *See United States v. Nixon*, 418 U.S. 683, 693 (1974). Further, a private citizen does not have a right to effect the criminal prosecution and incarceration of another individual. *See Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973) (“[A] private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another.”). Thus, the Court cannot take any action on Strain’s criminal complaint.

To the extent that Strain is attempting to bring civil claims against employees of the Tallahatchi County Correctional Facility, venue does not exist in the District of Massachusetts, *see* 28 U.S.C. § 1391(b), and the Court lacks personal jurisdiction over the defendants, *see Int'l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945).

Accordingly, this action is DISMISSED without prejudice. No filing fee is assessed.

**So Ordered.**

/s/ F. Dennis Saylor IV  
Chief Judge, United States District Court

Dated: August 30, 2021